



# Child Support Hearing Rights



*Washington State*  
Department of Social  
& Health Services

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**DCS** Division of Child Support



## What happens at a child support hearing?

Administrative hearings are informal and “user-friendly” meetings held in conference rooms, not in courtrooms.

An independent decision maker called an Administrative Law Judge (ALJ) holds administrative hearings. ALJs work for the Office of Administrative Hearings (OAH). OAH is not a part of the Department of Social and Health Services (DSHS) or the Division of Child Support (DCS).

ALJs decide about your child support case using case facts and law. You appear for the hearing in person or over the telephone. You tell your side of the story, as does DCS and the other parent. A typical hearing will take one or two hours.

## Do I need an attorney?

Many people represent themselves at the hearing. You may represent yourself, or have an attorney, friend, relative, or other person of your choice represent you. Ask friends or relatives to recommend an attorney, or contact one of the following:

- Northwest Justice Project’s CLEAR Hotline  
888-201-1014  
[www.nwjustice.org](http://www.nwjustice.org)
- Legal Voice  
866-259-7720  
206-621-7691  
[www.legalvoice.org](http://www.legalvoice.org)
- [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)

Some law schools, volunteer attorney services associations, and other nonprofit legal organizations may also be able to provide help. Additionally, your county’s bar association or referral services (usually listed at the end of the “attorney” section in the telephone book advertising section) may be able to direct you to an attorney in your community.

## **What can the DCS representative do for me?**

The DCS representative is an attorney who represents the interests of DCS. This person is not your representative. DCS may have interests that are different than your interests. However, the DCS representative can explain how the hearing works and about the general rules and policies for your hearing. If you want to avoid a hearing, you may be able to reach an agreement or settle your case with the DCS representative. All parties and DCS must agree before a case can settle.

## **How will I find out when my hearing will be?**

OAH sends you a Notice of Hearing that will give you the date, time, and place of the hearing. Make sure that you keep OAH and DCS advised of your current mailing address. If you have a telephone hearing, you must provide DCS and OAH with your phone number. This allows the ALJ or DCS representative to call you on the date of the hearing.

## **How can I ask for a different date or time for my hearing?**

If you cannot make it to your hearing at the scheduled date and time, you can ask for a continuance (a delay). Contact OAH or DCS at least one week before the hearing day. The other parties may not want a continuance. If the parties cannot agree, the ALJ decides if the hearing will be rescheduled. The phone numbers for OAH and DCS are on the Notice of Hearing.

## **What happens if I don't appear for the hearing?**

If you do not show up for the hearing, it will affect your hearing rights. The ALJ decides child support issues using the facts and evidence presented at the hearing. If you do not appear, you will not be able to tell the ALJ what you think is important. You should call OAH or DCS if a last minute problem makes you miss the hearing.

## **Will I attend the hearing in person or by phone?**

The Notice of Hearing will tell you where to go for your hearing. You may need to appear at a DCS office, an OAH office, or a Community Services Office (CSO). If the instructions tell you to appear at a specific location for a hearing, please be aware that the other party may be in the same room as you during the hearing and that the ALJ may be appearing by phone from another location.

Sometimes the notice will tell you to appear by phone. If you have concerns and want to change the hearing format, contact OAH or DCS as soon as possible.

## **What do I do if I am concerned about my personal safety?**

- Notify DCS or OAH as soon as possible if you have any concerns about your safety at the hearing.
- Call DCS or OAH and ask for a telephone hearing if you have any concerns about your safety at the hearing.
- Tell DCS if there is a protection or restraining order in place between you and the other party. DCS may not know about this information.
- If you have a protection order or are afraid of the other party, you do not have to appear in person together.

## **How do hearings by telephone conference call work?**

You, the ALJ, DCS, witnesses, or one or more of the other people involved in the hearing may take part by telephone. At least one day before your hearing, make sure if you should go to a particular place or if you should wait for a phone call.

If DCS or the ALJ is calling you, be sure that DCS and the ALJ have the correct phone number for where you will be at the time of the hearing. You may select a phone at any location you want. Be sure your phone is free so they do not get a busy signal when they try to call you.

If you are appearing by phone, you should send or fax copies of all of your papers to the ALJ and to the other parties at least one week ahead of time. The DCS representative may be able to help you with this. Block out your address and any other information you do not want released to other parties.

## **How do I prepare for the hearing?**

Bring written notes with you to help organize your information and help you remember what you want to say. ALJs base their decisions on information and statements that you and other witnesses, including DCS, provide during the hearing.

Discuss your case with the DCS representative before the date of the hearing. This will allow you to find out exactly what the issues are. You should also use this time to decide if you want to consult an attorney.

## Can I try to settle the case without a hearing?

Contact DCS if you would like to try to work out an agreement before the hearing. All parties and DCS must agree before a case can settle. If you, the other party, and the DCS representative cannot agree, you still have the right to a hearing. OAH will send you a Notice of Hearing. If you wish to contact DCS before you receive the Notice of Hearing, call **800-442-KIDS** to find out which DCS office handles your case.

## Do I need to bring anything to the hearing?

The ALJ will base the decision only on information and statements that you and other witnesses, including DCS, provide during the hearing. If you have papers you want the ALJ to see, be sure to send or bring them to DCS before your hearing.

DCS must receive your papers at least five (5) business days before the hearing. If possible, please send the papers earlier to allow copies to reach the other party. DCS images all the papers you send and then discards them. Send only copies of documents and not the originals.

Please send a copy of the papers to the other party also if you have his or her address. Please tell DCS if you were able to send these documents to the other party.

You may bring witnesses or their signed, sworn, and dated statements to the hearing. All other parties have the right to see your proof and to know who your witnesses are before the hearing.

When you come to the hearing, bring the packet of exhibits (the papers, including the notices) DCS mailed to you. Bring any other documents you feel will support your case. DCS will send copies of any documents you submit to all other parties to the hearing. **Block out your address and any other information you do not want released to other parties.**

## What kind of information should I bring to the hearing?

When you come to the hearing, bring the papers, including the notices, DCS mailed to you. Bring any papers you think will support your case, which may include the following:

- Copies of your tax returns for the last two years
- Child support worksheets completed with your information only
- Other child support court orders
- Papers showing:
  - How much money you make (such as pay stubs, benefit statements, or disability checks)
  - Medical costs
  - Medical insurance costs paid to cover the child or children
- Receipts for childcare, healthcare or other expenses paid for the children
- Proof of any support paid
- Proof of any special circumstances or payments that you want the ALJ to consider
- Any other proof you want the ALJ to consider

NOTE: Different types of hearings require different documents



## What are my rights in a child support hearing?

- You do not have a right to free legal help.
- You can represent yourself or use anyone such as an attorney, friend or relative.
- You can present evidence and object to evidence presented by anyone else.
- You can ask the ALJ for a continuance (delay) of the hearing if you have a good reason.
- You can look at and have copies of records related to your case before, during, or after the hearing.
- You can have photocopies of DCS records important to the hearing at no cost to you if you cannot afford to pay for them.
- You can ask the DCS representative for the evidence DCS intends to use before the hearing.
- You can ask the ALJ to let you send in more evidence after the hearing.
- You can ask witnesses questions, object to witnesses, and present evidence to show the testimony of any witness is not true.
- You can bring witnesses and ask the ALJ to make witnesses take part in the hearing. You can also ask the ALJ to have witnesses send or bring necessary papers to the hearing. DCS has the right to present DCS witnesses and to question yours.
- You can ask the ALJ to order witnesses to wait outside the hearing room. This can help protect privacy or keep one witness from influencing another.
- You can look at and have copies of policies, rules, guidelines, and other DCS publications related to your hearing.
- You can ask to change a telephone hearing to an “in-person” hearing, if you have a good reason. An “in-person” hearing means that you will be in the same room as the ALJ during the hearing.

## **How will the ALJs decide?**

If the reason for your hearing is to establish or modify child support, the ALJ makes decisions using the Washington State Child Support Schedule under Chapter 26.19 RCW.

When there is an existing Superior Court order, the ALJ follows the directions in the order.

## **What happens after the hearing?**

The ALJ does not make the final decision at the hearing. The ALJ mails the order to you after the hearing.

It is your responsibility to make sure that OAH has your correct mailing address. OAH sends the order to your last known address. If you do not receive a copy of the order, call DCS at 800-442-KIDS.

Your hearing rights are affected even if you do not receive a copy of the order.

## **What if I don't like the ALJ's decision?**

The order will contain information about your appeal rights. If the ALJ issued a final order, you may petition Superior Court to have a judge review the order.

## **Where can I find hearings law?**

You may want to look up the rules that apply to child support hearings. Copies of Washington State laws are available at public and law libraries. You can also look them up on the Internet at:

- Revised Code of Washington (RCW)  
<http://apps.leg.wa.gov/rcw>
- Washington Administrative Code (WAC)  
<http://apps.leg.wa.gov/wac>  
(Go to WAC Chapters 388-14A and 388-02).

## What if I have more questions?

If you have questions that are not answered in this brochure, you should:

1. Call the Division of Child Support (DCS);
2. Call the Office of Administrative Hearings (OAH); or
3. Contact an attorney.

## What if I don't speak English well?

If you or a witness needs a language translator or interpreter, OAH will provide a court certified interpreter free of charge. You should ask for an interpreter at least a week before the hearing. **A friend or relative may not be your language interpreter.**

## What if I need special accommodations?

All DSHS, DCS, and OAH offices are wheelchair accessible. Ask for help at least one week before the hearing if you or a witness needs special help like:

- A certified sign language interpreter or
- Materials in Braille or other format

Washington State provides free help if you or a witness need a translator or interpreter, or you need help because of a disability.

Please fill out and mail the attached Office of Administrative Hearings help request form. For your convenience, we printed the address on the back of the form.

# ***Request for Translator, Interpreter, or Special Help***

The state provides free help if you or a witness need a translator or interpreter or need help because of a disability.

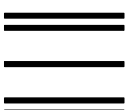
☐ I need to receive documents in (language)  and/or need help from an interpreter.

☐ I need special help (tell us what you need)

Name

Telephone

DCS Case Number



PLACE  
STAMP  
HERE



OFFICE OF ADMINISTRATIVE HEARINGS  
PO BOX 42488  
OLYMPIA WA 98504-2488



*Washington State*  
Department of Social  
& Health Services

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